

REMARKS

1. Consent of assignee

A consent by the assignee, and a copy of the recorded assignment to the assignee, are submitted herewith, as Exhibit C.

2. Reissue oath/declaration

It is respectfully submitted that the reissue declaration of record states a basis for reissue that is unique to this application and is different from that relied on in the parent application. Specifically, the error relied on in filing this application is the inadvertent failure to broaden the patent protection by including claims 20-22. These claims were not in the parent application.

MPEP 1414(II) states in the third paragraph that even if some of the errors relied on for reissue are found not to be sufficient errors in the meaning of Section 251, any remaining error that is an error under Section 251 will support a reissue. In this case, at least the failure to include claims 20-22 should suffice.

3. Drawings

A proposed new Fig. 21 is submitted herewith, as Exhibit D. It is a perspective view, as in original Fig. 17, but schematically illustrates an x-ray source from which x-rays would be directed toward receptor unit 2 (see column 5, lines 1-5). Receptor 2 is illustrated with a rotation about vertical axle 25 (see Fig. 16 and column 7, line 41). Receptor 2 is also illustrated in the position it is shown in original Fig. 12, with a correspondingly positioned x-ray source.

It is submitted that the new Figure merely illustrates originally disclosed material, and does not contain proscribed new matter.

4. Specification - minor objection

The specification has been corrected to account for the objection. See Exhibit B.

5. New matter objection and Section 112, first paragraph rejection of claims 20 and 21

New claims 23 and 24 are submitted. They use the term "below-table" in place of the term "under-table" but otherwise are the same as claims 20 and 21, respectively. Applicant submits that the original disclosure supports that term as the x-ray source for receptor positions such as in original Fig. 17 is below the table.

The first meaning of "below" given in Merriam-Webster new Collegiate Dictionary, copyright 1979, is "in or at a lower place;" the first meaning of "under" is "in or into a lower position below or beneath something;" and the first meaning of "beneath" is "in or to a lower position" and the second meaning is "directly under." Similarly, the first meaning of "below" given in Webster's Third New International Dictionary, copyright 1993 is "at a lower level;" the second meaning of "under" is "in or into a position below or beneath something;" and the first meaning of "beneath" is "directly under." A copy of the pertinent dictionary pages is attached hereto as Exhibit E.

It is submitted that "below" is a suitable description for the position of the x-ray source relative to the table when receptor 2 is in the position illustrated in original Fig. 17. It is further submitted that "under" also is a suitable description, as the term is generic to the source being at a position "below" the table and to the source being "directly under" the table.

Accordingly, a finding that new claims 22 and 23, and well as original reissue claims 20 and 21, do not introduce new matter is respectfully requested.

6. Allowable subject matter - claim 22

The indication that claim 22 is allowable subject to overcoming the rejections based on Section 112, second paragraph and on a defective oath/declaration, is appreciated. However, no rejection of claim 22 under the second paragraph of Section 112 could be found in the Office Action. Further, it is respectfully submitted that claim 22 is allowable for reasons in addition to those stated in the Office Action.

7. Information Disclosure Statement

Documents AO-AS were submitted for consideration as prior art for the purposes of examining the application, with applicant retaining the right to contest, if needed, the actual prior art status such documents. It is believed that the persons involved in the prosecution of this application cannot discern the dates of these documents from the documents themselves, and do not know them now from other sources. Accordingly, it is respectfully requested that the documents be considered as prior art for the purposes of examining this application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125. The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a further telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,



Ivan S. Kavrukov, Reg. No. 25,161
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, N.Y. 10036
Tel.: (212) 278-0400